

1 **LAWRENCE E. MITTIN, ESQ.**
Nevada Bar #5428
2 **CRAIG P. KENNY & ASSOCIATES**
501 S. 8th Street
3 Las Vegas, NV 89101
(702) 380-2800
4 litigation@cpklaw.com
Attorney for Plaintiff

5
6 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

7 * * *

8 SAVANNAH MCMURTRY,
9 Plaintiff,

CASE NO. 2:19-cv-01285-GMN- DJA

10 v.

11 BERTHA ZEPEDA LOERA; FD
12 NEVADA, LLC, d/b/a FAMOUS DAVE'S,
DOES I through X, inclusive; and ROE
13 CORPORATIONS I through X, inclusive,
14 Defendants.

15 **STIPULATION TO STAY DISCOVERY PENDING FINAL SETTLEMENT AGREEMENT**
16

17 IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff SAVANNAH
18 McMURTRY and Defendants BERTHA ZEPEDA LOERA and FD NEVADA, LLC dba FAMOUS
19 DAVE'S, (collectively, the "Parties"), by and through their respective undersigned counsel, the Parties
20 hereby jointly move this Court to stay all discovery proceedings in Case No.: 2:19-cv-01285 in the
21 United States District Court of Nevada, pending final settlement with all Potential Claimants.

22 The subject cases arises out of a motor vehicle collision which occurred on April 28, 2018
23 between Plaintiff SAVANNAH McMURTRY's vehicle and the vehicle driven by Defendant BERTHA
24 ZEPEDA LOERA. As a result of the subject collision, numerous individuals, including, but not limited
25 to, Plaintiff SAVANNAH McMURTRY, have claimed injury and made injury claims to BERTHA
26 ZEPEDA LOERA, FD NEVADA, LLC dba FAMOUS DAVE'S and their respective insurance carrier.
27 After the subject lawsuit was filed, and this case was removed to Federal Court by the Defendants, the
28 Defendants BERTHA ZEPEDA LOERA, FD NEVADA, LLC dba FAMOUS DAVE'S, and their

1 respective insurance carriers agreed to tender their full insurance policy limits to all potential claimants
2 to settle all claims arising out of the subject collision.

3 Plaintiff SAVANNAH McMURTRY has agreed to this settlement as to the limits tendered. Yet,
4 those potential claimants, including Plaintiff SAVANNAH McMURTRY, have not yet agreed on how
5 to allocate the insurance policy limits that the Defendants and their insurance carriers have agreed to pay
6 to all claimants, amongst themselves. Plaintiff, SAVANNAH McMURTRY, and the other claimants are
7 currently negotiating the allocation of the insurance policy limits and are scheduled for Mediation on
8 January 29, 2020 to resolve any disputes on how to allocate those insurance policy limits. As such, the
9 Parties are requesting a 120 day continuance of the discovery in the instant case while the allocation of
10 the proceeds is negotiated amongst the Plaintiff and the other potential claimants at the January 29, 2020
11 Mediation.

12 A. All pending discovery pleading deadlines are hereby stayed in Case No.: 2:19-cv-01285
13 in the United States District Court of Nevada, effective immediately, for 120 days. Such stay shall
14 remain in place for 120 days until all Potential Claimants agree to sign the final settlement agreement
15 with FD NEVADA, LLC d/b/a FAMOUS DAVE'S and its respective insurance carriers.

16 B. All Parties shall act in good faith with respect to attempting to obtain a final agreement
17 from all potential claimants on the allocation of the insurance policy limits to the different claimants.

18 C. No discovery, pleadings, rulings of the Court, shall occur during this time period, not
19 limited to but including pleadings which would require any responsive pleadings from any other party
20 herein.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 D. If the Parties are unable to resolve this matter with all potential claimants within the 120
2 days, the parties will reconvene and proceed with the pending case.

3 IT IS SO STIPULATED.

4
5 **DATED** this 12th day of December, 2019.

6 **CRAIG P. KENNY & ASSOCIATES**

7 */s/ Lawrence E. Mittin, Esq.*

8 **LAWRENCE E. MITTIN, ESQ.**

9 Nevada Bar #5428
501 S. 8th Street
Las Vegas, NV 89101
10 Attorney for Plaintiff

DATED this 12th day of December, 2019.

RESNICK & LOUIS, P.C.

/s/ Troy A. Clark, Esq.

TROY A. CLARK, ESQ.

Nevada Bar #11361
8925 W. Russell Road, Ste. 220
Las Vegas, NV 89148
Attorney for Defendants

11
12 **ORDER**

13
14 IT IS HEREBY ORDERED that Stipulation by the Parties is affirmed and adopted.

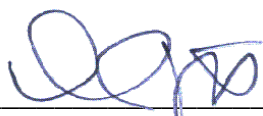
15 IT IS FURTHER ORDERED that all discovery proceedings in this matter are stayed as agreed
16 by the Parties.

17 IT IS FURTHER ORDERED that the discovery deadlines will be continued as agreed by the
18 Parties herein, and that the Parties will act with respect to the Negotiations regarding settlement and the
19 stay of proceedings as agreed to by the Parties herein.

20 IT IS FURTHER ORDERED that the parties shall file a joint status report by January
21 30, 2020 regarding the status of settlement.

22
23 IT IS FURTHER ORDERED that the stay is automatically lifted on April 13, 2020.

24 **DATED** this 13th day of December, 2019.

25
26 
27 _____
28 Daniel J. Albregts
United States Magistrate Judge